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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Cape Verde:* draft resolution

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Reaffirming that the 1951 Convention relating to the Status of Refugees,[3] together with the 1967 Protocol thereto,[4] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Welcoming the adoption, and the ongoing ratification process, of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,[5] which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Recognizing the particular vulnerability of women and children among refugees and other persons of concern, including exposure to discrimination and sexual and physical abuse, and in this regard acknowledging the importance of preventing and responding to sexual and gender based violence,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.
[2] Ibid., vol. 1520, No. 26363.
[3] Ibid., vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.
[5] Available from www.africa-union.org.

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Gravely concerned about the rising number of refugees in various parts of the continent,

Acknowledging the efforts of Member States, the United Nations High Commissioner for Refugees and other stakeholders in improving the situation of refugees, and expressing grave concern about the deteriorating living conditions in many refugee camps in Africa,

Recognizing that refugees, internally displaced persons and, in particular, women and children are at an increased risk of exposure to HIV and AIDS, malaria and other infectious diseases,

Noting with appreciation the Joint Declaration adopted at the joint summit on the Horn of Africa crisis, held in Nairobi on 8 and 9 September 2011, which, inter alia, expressed concern about the mass exodus of refugees into neighbouring countries, as well as the increased number of internally displaced persons due to the current humanitarian crises of drought and famine in the Horn of Africa,

Noting with appreciation also the Pact on Security, Stability and Development in the Great Lakes Region, adopted by the International Conference on the Great Lakes Region in 2006,[6] and its instruments, in particular two of the protocols to the Pact, which are relevant to the protection of displaced persons, namely, the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons,

Acknowledging with appreciation the generosity, hospitality and spirit of solidarity of African countries that continue to host the influx of refugees due to the humanitarian crises and protracted refugee situations on the continent and, in this regard, expressing particular appreciation for the commitment and efforts of neighbouring countries in the recent humanitarian crises in Côte d'Ivoire, Libya and the Horn of Africa, and the recent crises in the Democratic Republic of the Congo, Mali and the Sahel, and further acknowledging with appreciation the coordination of humanitarian assistance by the United Nations as well as the continuing efforts of donors, the United Nations system, including the Office of the United Nations High Commissioner for Refugees, regional organizations, international agencies, non-governmental organizations and other partners, with regard to, inter alia, voluntary return, reintegration and resettlement, in addressing the plight of refugees during the emergency,

Recognizing that host States have the primary responsibility for the protection of and assistance to refugees on their territory, and the need to redouble efforts to develop and implement comprehensive durable solution strategies, in appropriate cooperation with the international community, and burden- and responsibility-sharing,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem, in appropriate cooperation with the international community,

Acknowledging the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees and the fiftieth anniversary of the 1961 Convention on the

[6] Available from www.icglr.org.

Reduction of Statelessness,[7] in 2011, welcoming in this context the convening, by the Office of the High Commissioner, of an intergovernmental event at the ministerial level on 7 and 8 December 2011 as recognition of the importance of respecting and upholding the values and principles enshrined in those two instruments, and welcoming the adoption of a ministerial communiqué, as well as the submission of pledges by States and relevant efforts at the national level for their implementation,

1. *Takes note* of the reports of the Secretary-General[8] and the United Nations High Commissioner for Refugees;[9]

2. *Calls upon* African Member States that have not yet signed or ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa[5] to consider doing so as early as possible in order to ensure its early entry into force and implementation;

3. *Notes* the need for African Member States to address resolutely the root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall flows of refugees;

4. *Notes with great concern* that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, and calls upon States and other parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Welcomes* decisions EX.CL/Dec.686 (XX) and EX.CL/Dec.709 (XXI) on the humanitarian situation in Africa, insofar as they relate to persons of concern to the Office of the United Nations High Commissioner for Refugees, adopted by the Executive Council of the African Union at its twentieth ordinary session, held in Addis Ababa from 23 to 27 January 2012, and at its twenty-first ordinary session, held in Addis Ababa from 9 to 13 July 2012, respectively;

6. *Expresses its appreciation* for the leadership shown by the Office of the High Commissioner, and commends the Office for its ongoing efforts, with the support of the international community, to assist African countries of asylum, including by providing support to vulnerable local host communities, and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

7. *Notes with appreciation* the initiatives taken by the African Union, the Subcommittee on Refugees, Returnees and Internally Displaced Persons of its Permanent Representatives Committee, and the African Commission on Human and Peoples' Rights, in particular the role of its Special Rapporteur on Refugees, Asylum-Seekers, Migrants and Internally Displaced Persons in Africa, to ensure the protection of and assistance to refugees, returnees and displaced persons in Africa;

8. *Acknowledges* the important contribution of age, gender and diversity mainstreaming in identifying, through a participatory approach, the protection risks faced by the different members of the refugee communities, in particular the

[7] United Nations, *Treaty Series*, vol. 989, No. 14458.

[8] A/67/323.

[9] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 12* (A/67/12).

non-discriminatory treatment and protection of women, children, persons with disabilities and the elderly;

9. *Affirms* that children, because of their age, social status and physical and mental development, are often more vulnerable than adults in situations of forced displacement, recognizes that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement and statelessness can increase child protection risks, taking into account the particular vulnerability of refugee children to forcible exposure to the risks of physical and psychological injury, exploitation and death in connection with armed conflict, and acknowledges that wider environmental factors and individual risk factors, particularly when combined, may generate different protection needs;

10. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of voluntary return, reintegration and resettlement;

11. *Also recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

12. *Recalls* the conclusion on registration of refugees and asylum seekers adopted by the Executive Committee of the Programme of the High Commissioner at its fifty-second session,[10] notes the many forms of harassment faced by refugees and asylum seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories and, as appropriate, the responsibility of the Office of the High Commissioner or mandated international bodies to do so, reiterates in this context the central role that early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office, as appropriate, to help States to conduct this procedure should they be unable to register refugees on their territory;

13. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight, facilitating durable solutions for refugees and displaced persons and supporting vulnerable local host communities;

14. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern with regard to situations in which minimum standards of

[10] Ibid., *Fifty-sixth Session, Supplement No. 12A* (A/56/12/Add.1), chap. III, sect. B.

assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

15. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

16. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, calls upon States, in cooperation with international organizations, within their mandates, to take all measures necessary to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character, and encourages the High Commissioner to continue efforts, in consultation with States and other relevant actors, to ensure the civilian and humanitarian character of camps;

17. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all measures necessary to ensure respect for the principles of refugee protection, including the humane treatment of asylum seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

18. *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to the effective fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all measures necessary to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

19. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the protection system for refugees, asylum seekers and internally displaced persons;

20. *Calls upon* the Office of the High Commissioner, the international community and other entities concerned to continue and, where appropriate, intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information

about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular those Governments that have received large numbers of refugees and asylum seekers;

21. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

22. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity, and urges the High Commissioner to promote sustainable return through the development of durable and lasting solutions, particularly in protracted refugee situations;

23. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

24. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country resettlement needs of African refugees, notes in this regard the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement,[11] where appropriate and feasible;

25. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum as well as internally displaced persons, where appropriate;

26. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

27. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical

[11] Available from www.unhcr.org.

approaches to resolving such refugee situations, including the improvement of international burden- and responsibility-sharing and the realization of durable solutions, within a multilateral context;

28. *Expresses grave concern* about the plight of internally displaced persons in Africa, notes the efforts of African States in strengthening the regional mechanisms for the protection of and assistance to internally displaced persons, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[12] takes note of the current activities of the Office of the High Commissioner related to the protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

29. *Invites* the Special Rapporteur on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Human Rights Council and the General Assembly;

30. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its sixty-eighth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions".

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[12] E/CN.4/1998/53/Add.2, annex.